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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/629,254	07/31/2000	Stephen D. Dentel	10992740-1	3882

22879 7590 07/17/2003

HEWLETT PACKARD COMPANY
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INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER

SMITH, JEFFREY A

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 07/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/629,254

Applicant(s)

DENTEL ET AL.

Examiner

Jeffrey A. Smith

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 July 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Response to Amendment

The supplemental Declaration filed on April 22, 2003 under 37 CFR 1.131 together with the Declaration filed on February 27, 2003 under 37 CFR 1.131, is sufficient to overcome the Gronemeyer et al. '359 reference.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9, 13-21, 29-33 are rejected under 35 U.S.C. 102(b) as being anticipated by "Oil Change Online" as evidenced by:

"McAfee.com Debuts Oil Change Online—the Internet's First Contextual Shopping and Update Service for PC Software, Hardware and Accessories", May 7, 1999 Press Release
[archived at

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http://web.archive.org/web/19990508063912/www.mcafee.com/about/press_releases/pr04149901.asp [printed May 18, 2003], hereafter "5/7/99 Press Release"; and "Company Overview", May 7, 1999 [archived at http://web.archive.org/web/19990508054758/www.mcafee.com/about/about/company_info.asp] [printed May 18, 2003], hereafter "Company Overview".

Oil Change Online provides a computer-implemented method and system enabling a user of a processor system to purchase products for use with a component of the processor system (i.e. "individual PC configuration": 5/7/99 Press Release). The method comprises determining the particular type of the component without input from the user ("automatically recommending updates and upgrades based on a user's installed hardware and software": Company Overview), informing a remote server system via a communications network of the particular type of component ("the service also makes contextual recommendations for online purchases of upgrades...or peripherals specifically tailored to the products already installed on the user's PC" (5/7/99 Press Release), and identifying one or more vendors offering to sell products compatible for use with the particular type of component

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("McAfee.com has created alliances with partners such as Beyond.com and Fatbrain.com to handle fulfillment and transaction processing": 5/7/99 Press Release).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10-12, and 22-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over "Oil Change Online" as evidenced by:

"McAfee.com Debuts Oil Change Online—the Internet's First Contextual Shopping and Update Service for PC Software, Hardware and Accessories", May 7, 1999 Press Release
[archived at

http://web.archive.org/web/19990508063912/www.mcafee.com/about/press_releases/pr04149901.asp] [printed May 18, 2003],
hereafter "5/7/99 Press Release"; and

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"Company Overview", May 7, 1999 [archived at http://web.archive.org/web/19990508054758/www.mcafee.com/about/about/company_info.asp] [printed May 18, 2003], hereafter "Company Overview"

in view of "Feature Finder", VARbusiness, Manhasset, February 1, 1995.

Oil Change Online does not explicitly identify the peripheral as being a printer or the accessories as including printer media.

Feature Finder, however, teaches a diagnostic tool, similar to Oil Change Online, for a computer peripheral (namely, a printer) which monitors levels of consumables (such as ink) and prompts the client for maintenance. The tool flashes a contact phone number when maintenance is needed.

It would have been obvious to one of ordinary skill in the art to have incorporated the teachings of Feature Finder in the method and system already disclosed by Oil Change Online in order to have specifically address a client's need to replenish a printer's toner or ink without having to guess when the toner or ink is running out (Feature Finder).

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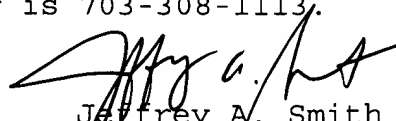
Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey A. Smith whose telephone number is 703-308-3588. The examiner can normally be reached on M-F 6:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 703-308-1344. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-308-3691 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.


Jeffrey A. Smith
Primary Examiner
Art Unit 3625

jas
July 14, 2003